IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9814 OF 2004

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.Sabrath for the Petitioner.

Mrs.Jyoti Pawar, Addl. G.P. for the Respondents.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 26TH JULY 2005

P.C. :

1. Rule. Rule is made returnable forthwith.

2. Heard Mr.Sabrath for the Petitioner. Mrs.Pawar, Addl. G.P. appears for the Respondents.

3. The petition is filed for refund of the amount of Rs.1,11,150/- which was deposited with the Respondents for the work of excavation of sand. A similar claim was entertained by a Division Bench in its order dated 2nd August 2004 in Writ Petition No.5700 of 2004.

4. Mrs.Pawar, Addl G.P. for the Respondent State, makes a statement that the present petition is similar to the one decided by the Division Bench and, therefore, we allow this petition and direct the Respondents to refund this amount. Mr.Sabrath prays that alternatively another site may be offered to the Petitioner for excavation purpose. We direct the Respondents to take the necessary decision within 8 weeks, failing which they will refund the amount within further 8 weeks thereafter.

5. Rule is made absolute as above.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)